

BEFORE THE MEDICAL LICENSING BOARD OF INDIANA

STATE OF INDIANA,

Petitioner,

v.

JEFFREY P. BOLDUAN, M.D.,
License Number 01030767

Respondent.

CAUSE NO. 97 MLB 0026

FILED

JUL 18 2001

HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

The Board held an administrative hearing on June 28, 2001 at the Indiana Government Center 302 W. Washington St., Indianapolis, Indiana, concerning a complaint filed by the State of Indiana against respondent Jeffrey Bolduan, M.D., on December 29, 1997.

The State of Indiana was represented by Deputy Attorney General Richard G. McDermott. The Respondent was represented by Jan M. Carroll.

Barbara Malone presided over the settlement conference and recommended that the Board accept the settlement proposal as the final order of the Board.

The Board, being duly advised, and taking official notice of its file in this case, by a vote of 2-1-2, hereby issues the following Findings of Fact and Order.

FINDING OF FACT

1. Respondent is a duly licensed medical doctor holding Indiana license number 10030767. He has been licensed to practice medicine in the State of Indiana since 1981. He is engaged in the practice of urology and genitourinary surgery. His address on file with the Board is 1615 Winsted, Suite 4, Goshen, Indiana.

2. Respondent holds unrestricted privileges at Goshen General Hospital in Goshen, Indiana, and Kosciusko Community Hospital in Warsaw, Indiana.

3. In 1993, twelve-month-old patient MJ was referred by MJ's family physician to Respondent for symptoms of labial fusion, including irritation and infections. On November 4, 1993, MJ's mother took her to see Respondent.

4. Respondent's course of treatment was to schedule MJ for a physical examination and separation of the labial adhesions under general anesthetic. Respondent relied on the referring physician's assessment that such a procedure was indicated. However, Respondent scheduled MJ for the procedure, with the associated risks of a general anesthetic, without first having personally performed a physical examination of the patient.

5. The child's mother elected to pursue the more conservative treatment (application of estrogen cream), and no surgery was performed. After applications of the estrogen cream, no adhesions were found to be present upon later examination by another physician.

ULTIMATE FINDINGS OF FACT

1. Respondent's conduct constitutes a violation of Ind. Code §25-1-9-4(a)(1)(B), in that it represented a failure to exercise reasonable care in the treatment of this patient, based on generally accepted scientific principles, methods, treatments, and current professional theory and practice, under 844 IAC 5-2-5.

ORDER

Based on the above findings of fact, the Board issues the following Order:

1. A Letter of Reprimand in the form attached as *Exhibit A* shall be issued to respondent, and a copy thereof shall be placed in the file maintained in his name by the Medical Licensing Board of Indiana.

2. Respondent shall not treat, but refer pediatric patients requiring hypospadias repair.

3. Respondent shall attend the week-long Intensive Communication Skills Program in Clinician-Patient Communication offered by the Bayer Institute for Health Care Communication, 400 Morgan Lane, West Haven, Connecticut, 06516, within one year of the date of this Order, and shall provide evidence of such attendance to the Board.

4. The failure of Respondent to comply with the terms of this Order may subject the Respondent to a show-cause hearing and the imposition of further sanctions.

SO ORDERED this 18th day of July, 2001.

STATE OF INDIANA
MEDICAL LICENSING BOARD

By: 

Beth A. Compton, Executive Director
Health Professions Bureau

Copies to:

Richard McDermott
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
402 West Washington Street, 5th Floor
Indianapolis, Indiana 46204

Jan M. Carroll
BARNES & THORNBURG
11 South Meridian Street
Indianapolis, Indiana 46204

Jeffrey P. Bolduan, M.D.
1615 Winsted Drive, Suite 4
Goshen, Indiana 46526

CERTIFIED MAIL # 7099 3400 0006 4114 2312



STATE OF INDIANA

FRANK O'BANNON, Governor

HEALTH PROFESSIONS BUREAU

402 West Washington Street Room 041
Indianapolis, Indiana 46204
Telephone: (317) 232-2960
Fax: (317) 233-4236
<http://www.ai.org/hpb>
Equal Opportunity Employer

July 18, 2001

Jeffrey P. Bolduan, M.D.
1615 Winsted Drive, Suite 4
Goshen, Indiana 46526

Re: Cause No. 97 MLB 0026
Letter of Reprimand

Dear Dr. Bolduan:

This letter of reprimand is the result of an administrative proceeding before the Indiana Medical Licensing Board resulting from charges filed by the Office of the Attorney General on December 29, 1997.

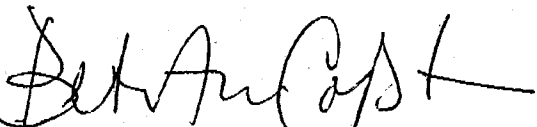
The purpose of this reprimand is to stress the important responsibility that you have by reason of possession a license to practice as a physician in this state.

The July 18, 2001 Findings of Fact and Order are attached hereto and incorporated herein as part of this official reprimand.

It is your responsibility to conduct your medical practice in accordance with the standards of the profession.

Sincerely,

INDIANA MEDICAL LICENSING BOARD

By 

Beth A. Compton, Executive Director
Health Professions Bureau

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#7099 3400 0006 4114 2312

EXHIBIT A

Boards of: ~~118597~~ainers • Chiropractic Examiners • Dental Examiners • Dietitians • Environmental Health Specialists • Health Facility Administrators • Medical Licensing • Nursing • Optometry • Pharmacy • Podiatry • Psychology • Social Workers, Marriage & Family Therapists & Mental Health Counselors • Speech-Language Pathology & Audiology • Veterinary Medical • Controlled Substances Advisory Committee • Hearing Aid Dealer Advisory Committee • Hypnotist Committee • Occupational Therapy Committee • Optometric Legend Drug Prescription Advisory Committee • Physical Therapy Committee • Physician Assistant Committee • Respiratory Care Committee

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HEALTH PROFESSIONS
BUREAU
NOTICE OF COMPLIANCE WITH JULY 18, 2001 ORDER

Respondent Jeffrey P. Bolduan, M.D., notifies the Medical Licensing Board of Indiana that he has complied with paragraph 3 of the July 18, 2001 Order requiring him to attend a week-long intensive communications skills program in clinician/patient communication offered by the Bayer Institute for Health Communication. Attached is his certificate of attendance.

Jan M. Canon

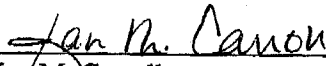
Jan M. Carroll, No. 4187-49
Thomas F. Shea, No. 18155-49
BARNES & THORNBURG
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone: 317/236-1313

Attorneys for Respondent
Jeffrey P. Bolduan, M.D.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served this
20th day of May 2002, by depositing a copy of the same in the United States mail, first
class postage prepaid and properly addressed to the following counsel of record:

Richard McDermott, Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL
Indiana Government Center South
402 W. Washington Street, Fifth Floor
Indianapolis, Indiana 46204-2770



Jan M. Carroll

INDSO2 JMC450362



Bayer Institute
For Health Care
Communication

Bayer Institute For Health Care Communication, Inc.
400 Morgan Lane, West Haven, CT 06516 800-800-5907

Certificate of Attendance

This is to certify that

Jeffrey P. Bolduan, M.D.

Attended the Bayer Institute Workshop on

"Intensive Communication Skills"

Presented on

May 5-10, 2002

in

Milford, Connecticut

The Bayer Institute For Health Care Communication designates this
continuing education activity as meeting the criteria for

40.0 Hours in Category 1
of the Physician's Recognition Award of the
American Medical Association

51.0 Contact Hours
Code# 049.01120
Continuing Education for Professional Nursing

J. Gregory Carroll, Ph.D.
Executive Director

The Bayer Institute For Health Care Communication is accredited by the Accreditation Council for Continuing Medical Education (ACCME) to sponsor continuing medical education for physicians. The Bayer Institute For Health Care Communication takes responsibility for the content, quality, and scientific integrity of this CME activity. Prescribed credit is given to family physicians by the American Academy of Family Physicians.

This activity for 51.0 contact hours is provided by the Bayer Institute for Healthcare Communication, which is accredited as a provider of continuing education in nursing by the American Nurses Credentialing Center's Commission on Accreditation.